

Annapolis Police Department



GENERAL ORDER

Number: C.3

Issue Date: March 2021

TO: All Sworn Officers

SUBJECT: Use of Force

PURPOSE

The purpose of this General Order is to provide guidelines and limitations on the use of force by officers of this department.

POLICY

It shall be the expressed policy of the Annapolis Police Department that officers use only the amount of force that is reasonable to overcome resistance and to accomplish lawful objectives. Options are not predicated on a strict hierarchical sequence, nor must the officer always elect to start at the lowest level. The officer must evaluate the immediate circumstances and select the appropriate level of force to those particular circumstances. While consideration of the crime may play a role, it should not be the determining factor. Rather, it is the level of force being used against the officer and the imminent potential for death or serious physical injury to the officer and innocent bystanders and/or victims upon which officers should base their decision to use force of any level. When time, circumstances and safety permit, officers should take steps to gain compliance and de-escalate conflict without using physical force.

DEFINITIONS

1. **Deadly Force** - Any force which may cause death or serious injury.
2. **Lethal Weapon** - A weapon whose law enforcement purpose is to cause life-threatening injury. The only lethal weapons authorized for use by officers of this department are firearms.
3. **Non-deadly Force** - Any use of force other than that which is considered deadly force.
4. **Less Lethal Weapon** - Any device, (other than a firearm) authorized by the department and used to apply force to another individual. Examples of less lethal weapons are the baton, chemical spray, extended range impact projectiles, and TASER.

5. **Extended Range Impact Projectiles** - A flexible (bean bag round) or non-flexible projectile, which is intended to incapacitate with a minimal potential for causing death or serious physical injury, when compared to conventional projectiles.
6. **Imminent** - About to occur, impending.
7. **Reasonable Belief** - When facts or circumstances the officer knows are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.
8. **Serious Physical Injury** - That injury which is potentially life-threatening.
9. **Significant** - Substantial or considerable intention to cause serious physical injury.
10. **Weapons of Opportunity** - Any other object that an officer uses to apply force to another individual.
11. **TASER**- An electronic control device that can be used in two modes. When the unit's probes make contact with the target, the TASER. transmits electrical pulses into the body of the target.
12. **Chokehold** – neck hold, stranglehold, lateral vascular neck restraint, carotid restraint or any other use of physical force that restricts oxygen or blood flow to the head or neck.

I. Parameters for Use

- A. Deadly force may be used when an officer reasonably believes that the action is necessary for the preservation of human life or to prevent imminent serious physical injury, and when no other reasonable alternatives exist. An officer may only use an intentional chokehold, neck hold, stranglehold, lateral vascular neck restraint, carotid restraint or any other use of physical force that restricts oxygen or blood flow to the head or neck to defend themselves or another person from imminent serious physical harm or death, and when no other reasonable alternatives exist.
- B. Deadly force may be used to effect capture or prevent the escape of a suspect whose freedom is reasonably believed to represent a significant threat to human life.
- C. Deadly force may also be used when practicable in order to destroy an animal that represents a threat to public safety; or at the direction of a field supervisor, as a humane measure when an animal is injured. In cases of domestic animals, every attempt will be made to locate the owner first.
- D. Non-deadly physical force may be used in self-defense or in defense of other persons from bodily harm, when necessary to effect an arrest, to take a person into protective custody, to prevent escape, or to overcome resistance.

E. Restrictions/Requirements

1. Firearms:

- a. When feasible, before using a firearm, police officers shall identify themselves and state their intent to shoot.
 - b. Except for maintenance, training, range practice, and competitive sporting events, a police officer shall not draw, exhibit or discharge a firearm unless in conformance with this policy.
 - c. A police officer shall not discharge a firearm from a moving vehicle or whenever it appears likely that an innocent person may be injured.
 - d. Warning shots are prohibited.
 - e. Under no circumstances shall a member of the department shoot at a person who is fleeing to avoid arrest on a misdemeanor charge, as the law recognizes that it is better to allow a misdemeanant to escape than to take that person's life. Officers must always keep in mind, "when in doubt, don't fire."
 - f. Wearing and carrying firearms:
 - i. Officers shall always carry their firearms in a safe and secure manner.
 - ii. Officers shall conceal firearms when wearing civilian clothing.
 - iii. Officers shall not carry a firearm when consuming alcoholic beverages unless participating in a covert investigation as authorized by the Commander of the Criminal Investigations Section and/or the Chief of Police.
 - iv. Officers shall not carry a firearm when under the influence of alcohol or when under medication that might hinder judgment or motor coordination.
 - v. Officers may carry approved firearms, rather than an issued service weapon, on duty when wearing civilian clothing for a special assignment or detail, only with the expressed permission of the officer's commanding officer.
 - vi. Each officer shall take reasonable steps to insure that all firearms are secured when not being worn so as to prevent theft, misuse or accidental discharge.
2. Counter-assault pepper-mace:
- a. All sworn officers of this department will be equipped with oleoresin capsicum or counter-assault pepper mace and will be trained in its use. It shall only be used to:
 - i. Defend officers and citizens against physical attack.
 - ii. Effect an arrest when violent or aggressive behavior is encountered and all other reasonable attempts to restrain have failed.
 - iii. Control of arrested subjects displaying violent or aggressive behavior when all other reasonable attempts to restrain have failed.
 - iv. Control animals that are displaying hostile or aggressive behavior.
 - v. When practical a warning should be given to the suspect of the intention to deploy O.C. spray and to alert other officers so as not to effect them with O.C. spray.
 - b. When oleoresin capsicum or pepper-mace is used on a prisoner, he or she will be transported as soon as practical, to the nearest medical facility for decontamination. Decontamination is the responsibility of the arresting police officer and/or medical personnel.
3. Weapons other than firearms and pepper mace: Only those weapons and equipment authorized, such as the ASP tactical expandable baton and extended range impact

projectiles (bean bag rounds and non-flexible rounds), issued and for which the officer receives training by the department will be used. Use is restricted to points of the body where impact will immobilize the suspect, with a minimal potential for causing death or serious physical injury. However, in the event that any of these weapons are used, provisions of this General Order shall apply.

4. Weapons of opportunity should only be used in rare and extreme cases. However if a weapon of opportunity is used, its use will be governed by the standard as a straight baton.
5. Force shall not be used when the suspect is non-combative and has submitted to arrest.
6. Only force that is reasonable to accomplish lawful objectives will be used.
7. No weapon is to be used intentionally on persons or animals as a practical joke or as a form of harassment.
8. The TASER is only to be used by those officers trained in its use under G.O. C.16

II. Training and Qualifications

- A. Police officers authorized to carry firearms/weapons are not permitted to use any firearm/weapon, on or off duty unless qualified in its use as determined either by the Maryland Police and Correctional Training Commissions or this General Order.
- B. Authorization to carry and use any less lethal weapon is granted by the department to officers based upon completion of specified training courses and demonstrated competency under hands-on testing that has been monitored by a certified weapons instructor. The certification of less lethal weapons will be conducted every two years, with the exception of the extended range impact projectiles and the TASER which will be conducted annually. Training in the department's use of force policy will be conducted annually. The issuance and instruction on this policy shall be documented. Training and proficiency shall be documented under the direction of a certified range officer/certified firearms instructor.
- C. Extended range impact projectiles (bean bag rounds and non-flexible rounds) are deployed through the use of a 12 gauge shotgun and the use of a 37mm launcher.
- D. Each officer must certify semi-annually with all approved lethal weapons that the officer is authorized to use and every two years with any less lethal weapons. Extended range impact projectiles and the TASER are considered less lethal weapons; however officers must certify annually if they are required/authorized to use and carry the weapon. Failure to recertify every two years on any less lethal weapon or failure to recertify every year on extended range impact weapons and the TASER will withdraw from the officer authorization to carry that weapon. Failure to recertify with any less lethal weapon, except for extended range impact weapons and the TASER will result in the officer being

reassigned to administrative duties and relieving the officer of the control instrument. The officer will be on administrative duty until the officer has received remedial training and has demonstrated proficiency on the less lethal weapon. Remedial training will be conducted by a certified weapons instructor as soon as possible after the failure to qualify. Once the officer has demonstrated proficiency in the problem area, the officer will be recertified. If the officer has been unable to become recertified, the officer shall be evaluated by the Commander of the Administrative Services Division, forwarding any recommendation to the Chief of Police. All training shall be documented. In the case of issued equipment, such equipment shall be immediately turned into the Property Section until recertification is completed. Not every officer is required/authorized to use and carry extended range impact projectiles. Firearms shall be turned into the Armorer. Each officer who carries an approved off duty firearm must certify annually with that weapon.

E. Police officers who have not been able to become certified, either through failure to pass or physical handicap, are not authorized to carry the less lethal weapon.

F. Firearms:

1. All sworn officers required to carry a firearm and/or a weapon in the performance of their duties shall be issued a copy of this General Order and instructed in the policies and procedures herein before being issued a firearm or a weapon.
2. The police department shall schedule regular training and qualification sessions for sworn officers on duty, off-duty and specialized weapons in keeping with the mandates of the Maryland Police and Correctional Training Commissions and departmental requirements.
3. Police officers authorized to carry firearms who fail to receive a passing score with their duty weapon(s) in accordance with Maryland Police and Correctional Training Commission mandates shall immediately be relieved of their duty weapon(s) and reassigned to administrative duties until such time as they attain a passing score. If a passing score is not achieved, officers must train with a certified firearms instructor. The officer will be on administrative duty until the officer is able to obtain a passing score. If the officer is unable to receive a passing score, the officer shall be evaluated by the Commander of the Administrative Services Division forwarding any recommendations to the Chief of Police. Police officers who have taken extended leave or suffered an illness or injury that could affect the ability to use firearms will be required to re-qualify before returning to enforcement duties.
4. Police officers who have not been able to qualify during the most recent qualification period, either through failure to pass or physical handicap, are not authorized to carry a firearm.

III. Medical Care

- A. Officers and supervisors are responsible for obtaining medical aid as soon as possible or practical, for individuals :

1. Who show signs of any injury as a result of any use of force;
 2. Who complain of any injury as a result of any use of force;
 3. Who become unconscious either during or following any use of force; or,
 4. When the officer or supervisor reasonably believes an individual is in need of a medical evaluation as a result of any use of force.
- B. The officer will request an ambulance and begin medical evaluation of such individuals as soon as practical. Fire department emergency medical personnel at the scene of an incident will assess the need for further medical care beyond that provided at the scene.

IV. Reporting Use of Force

- A. An Administrative Use of Force Report (UOF) or Injured Prisoner (IP) will be completed in the following circumstances:
1. Whenever an officer has applied the use of force, a suspect has been injured by police contact or when a suspect has complained an injury has been inflicted the field supervisor shall be notified immediately and respond to the scene.
 2. Following use of force either by using lethal or less lethal weapons which results in injury or alleged injury to an individual.
 3. Whenever a firearm is discharged at a person, vehicle, or resulting in physical injury or death, the field supervisor shall contact the division commander of the officer involved and will notify the Criminal Investigations Section, Internal Affairs Section and the Chief of Police.
 4. Whenever a firearm has been discharged for other than training or a recreational purpose.
A recreational purpose refers to private range practice at a target range.
 5. Whenever force is applied by a weapon of opportunity.
 6. Any time force is used greater than that of pain compliance.
 7. Whenever a department canine inflicts injury to any subject or suspect in conjunction with a search, arrest attempt or apprehension.

8. A Use of Force Report is not required when an animal is destroyed. The only report that is required is an Incident Report.
 9. Accidental discharges where there is no injury requires an Administrative Report. A report is not required in those instances where a firearm is displayed to assure officer safety.
 10. Officers have a duty to intervene and report, to a supervisor, if they witness an unnecessary use of force.
- B. A Use of Force Report is not required in the following circumstances:
1. Restraint and hold techniques used to affect an arrest where there is no injury or complaint of injury; however, such action shall be documented in an Incident Report.
 2. When an animal is destroyed; however such action shall be documented in an Incident Report.
 3. Where a firearm is displayed to ensure officer or citizen safety.
- C. By the end of the tour of duty, the officer, unless incapacitated, shall write detailed administrative (Blue Team) and offense reports describing the use of force. Every officer who is involved in a use of force or who is a witness shall write a detailed Administrative Report describing the use of force. (The supervisor will attach in Blue Team)
- D. The supervisor shall respond to the scene to conduct an investigation. The investigation shall include but not be limited to interviewing and getting written statement from any witnesses and from the suspect(s). If the witnesses/suspect(s) refuse or cannot give written statements, include any statement(s) in the Administrative Report. Upon reviewing the use of force report, the supervisor shall then determine whether department policies were or were not followed. The supervisor will then complete an Administrative Report (Blue Team) on the incident and on any investigation which was conducted. Unless approved by the section supervisor/commander all reports will be submitted by the end of the tour of duty and forwarded to the section supervisor/commander.
- E. The section supervisor/commander will then review all reports to ensure that department policies were followed. Each section supervisor/commander will then date and initial/sign (Blue Team) the supervisors Administrative Report before forwarding it to the Division Commander with any comments.
- F. The Division Commander will review all reports and supervisor's/commander's comments to ensure that department policies were followed. The Division Commander will then date and initial/sign the supervisors Administrative Report before forwarding it to the Chief of Police or his/her designee.
- G. The Chief of Police or his/her designee will review all use of force reports, supervisor/command comments and either concur or not concur with the use of force. The Chief of Police or his/her designee will date and initial/sign the report and forward a copy to the Administrative Support Division and the Internal Affairs Section.
- H. At any stage of the Administrative Review process the supervisor, section supervisor/commander, division commander and/or the Chief of Police or his/her designee may initiate an investigation if department policies were not followed.

- I. Reviewers should keep in mind whether training, weapons/equipment or discipline issues need to be addressed.
- J. An annual analysis of the Use of Force reports will be conducted by the Internal Affairs Section/Staff Inspections and forwarded to the Chief of Police. The analysis will include but not be limited to comparing the previous years Use of Force reports, types of Use of Force incidents and/or any possible patterns or trends which may indicate training needs, equipment upgrades, and/or policy modifications.

V. Investigation of Use of Force

- A. The Criminal Investigations Section (CIS) shall conduct an immediate investigation at the scene of every incident in which an officer of this department has applied the use of deadly force resulting in serious injury, death or when a firearm is discharged at a person or at a vehicle. Upon the completion of the investigation, C.I.S shall forward a detailed report via channels to the Incident Review Board, the Chief of Police, and the State's Attorney.
- B. The Internal Affairs Section shall review all circumstances involving:
 - 1. A suspect or arrestee who has complained that use of force by an officer resulted in an injury.
 - 2. Discharge of a firearm outside the firing range;
 - 3. Use of deadly force.
 - 4. Any other actions resulting in serious injury or death.
- C. All incidents involving the use of deadly force resulting in serious injury or death shall be reviewed by an Incident Review Board. The Incident Review Board will further review incidents in which a firearm has been discharged at a person or at a vehicle. The Incident Review Board shall consist of the Commander of the Administrative Support Division, the Training Officer/ Armorer, and an officer of the same rank as the officer under review to be assigned by the Chief of Police. At the completion of the CIS Investigation of the incident under review, the Incident Review Board shall convene to evaluate:
 - 1. Tactical considerations;
 - 2. Training considerations;
 - 3. Quality of supervision;
 - 4. Investigative processes.

The Incident Review Board shall forward its written findings and a recommendation to the Chief of Police in a timely fashion, but no later than thirty days after the incident has been investigated by CIS.

- D. Any employee whose actions or use of force in an official capacity results in serious injury or death shall be placed on administrative leave and be assigned to the Administrative Services Division immediately, pending an administrative review. The Commander of the Administrative Services Division shall review the necessity of leave versus administrative duty on the next work day.

- E. Any employee whose actions or use of force or who is involved in a deadly force type incident while acting in an official capacity resulting in serious injury or death will also be referred for mandatory counseling to a psychiatrist or psychologist under contract with the Department no later than seventy-two hours after the incident. In accordance with Maryland law, the referral will be considered privileged.
- F. The officer shall remain available at all times for official departmental interviews and statements regarding the incident and shall be subject to recall to duty at any time. Interviews will be conducted at a reasonable hour. The officer shall not discuss the incident with anyone except the States' Attorney, the investigating officer(s) a psychiatrist or psychologist, member of the clergy, an attorney or the officer's immediate family.

Edward C. Jackson
Chief of Police

References
1. Accreditation Standards 11.2.2, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 1.3.13, 33.1.5, 81.2.4
2. Law Enforcement Officer's Bill of Rights

Revision: This General Order replaces General Order C.3 Use of Force dated March 2020.